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Security Council

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Draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1427 (2002) of 29 July 2002,

Having considered the report of the Secretary-General of 13 January 2003 (S/2003/39),

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Recalling its condemnation of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of the nine people on board, and *deploring* the fact that the perpetrators of that attack have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 13 January 2003 (S/2003/39);

2. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

3. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and

03-23128 (E) 300103

the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

4. *Reiterates*, in particular, its support for the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

5. *Regrets* the lack of progress on the initiation of political status negotiations, and *recalls*, once again, that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

6. *Underlines further* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

7. *Deeply regrets*, in particular, the repeated refusal of the Abkhaz side to agree to a discussion on the substance of this document, again *strongly urges* the Abkhaz side to receive the document and its transmittal letter, *urges* both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and *urges* those having influence with the parties to promote this outcome;

8. *Welcomes* in that regard the Secretary-General's intention to invite senior representatives of the Group of Friends to an informal brainstorming session on the way ahead;

9. *Calls* on the parties to spare no efforts to overcome their ongoing mutual mistrust;

10. *Condemns* any violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

11. *Welcomes* the decrease of tensions in the Kodori Valley and the intention reaffirmed by the parties to resolve the situation peacefully, *recalls* its strong support to the protocol signed by the two sides on 2 April 2002 regarding the situation in the Kodori Valley, *calls* on both sides, and in particular the Georgian side, to continue to fully implement this protocol, and *recognizes* the legitimate security concerns of the civilian populations in the area, *calls* on the political leaders in Tbilisi and Sukhumi to observe security agreements, and *calls* on both sides to spare no efforts to agree on a mutually acceptable arrangement for security of the population in, and in the vicinity of, the Kodori Valley;

12. *Calls* on the Georgian side to continue to improve security for joint UNOMIG and CIS peacekeeping force patrols in the Kodori Valley to enable them to monitor the situation independently and regularly;

13. *Strongly urges* the parties to ensure the necessary revitalization of the peace process in all its major aspects, to resume their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on confidence-building measures in March 2001 (S/2001/242), to implement the proposals agreed on that occasion in a purposeful and cooperative manner, and to consider holding a fourth conference on confidence-building measures;

14. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, *calls* on both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with UNOMIG, *reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms* also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration, *recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and *requests* further measures to be undertaken inter alia by the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs to create conditions conducive to the return of refugees and internally displaced persons, including through quick-impact projects, to develop their skills and to increase their self-reliance, with full respect for their inalienable right to return to their homes in secure and dignified conditions;

15. *Urges* once again the parties to implement the recommendations of the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, *welcomes* the recent visit of a United Nations police assessment team to Gali and Zugdidi sectors, looks forward to its recommendations, and *calls* in particular on the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

16. *Calls* on both parties publicly to dissociate themselves from militant rhetoric and demonstrations of support for military options and for the activities of illegal armed groups, and *encourages* the Georgian side in particular to continue its efforts to put an end to the activities of illegal armed groups;

17. *Welcomes* the additional safeguards for helicopter flights instituted in response to the shooting down of a UNOMIG helicopter on 8 October 2001, *calls*, once again, on the parties to take all necessary steps to identify those responsible for the incident, to bring them to justice, and to inform the Special Representative on the implementation of these steps;

18. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel;

19. *Welcomes* constant review by UNOMIG of its security arrangements in order to ensure the highest possible level of security for its staff;

20. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 July 2003, and to further review that mandate unless a decision on the presence of the CIS peacekeeping force is taken by 15 February 2003;

21. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

22. *Decides* to remain actively seized of the matter.